

Notice of Allowability

Application No.

09/752,254

Applicant(s)

ROESNER ET AL.

Examiner

William D. Thomson

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04 February 2005 and 07 September 2004.
2. ☒ The allowed claim(s) is/are 1-3,5,6 and 10-16.
3. ☒ The drawings filed on 21 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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TC 2102
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DETAILED ACTION and ALLOWANCE

1. Claims 1-3, 5,6, 10-16 have been examined and allowed.

Drawings

2. Formal drawings filed on March 21, 2001, which included replacement sheets for drawings that were originally hand drawn are acceptable for printing.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:
4. Applicant's request for reconsideration of February 4, 2005 with arguments and clarification regarding language of the claims has overcome the prior Examiner's rejections under 35 U.S.C. 112 2nd paragraph. Therefore the rejection(s) has been overcome and withdrawn.
5. In the Advisory action of March 4, 2005, the prior Examiner withdrew the rejections regarding 101, the reasoning behind removing the rejection is based upon the determination that a data structure stored on a computer readable medium for use in a computer-aided design and verification system is statutory subject matter as would be a data structure stored on a computer readable medium, when executed on a computer is statutory subject matter. The computer-aided design and verification system is clearly a computer system. Further, the claims are directed to single statutory classes of invention and therefore the citation of *In re Lyell* is not germane to the Applicant's claims.

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6. There are no prior art rejections standing or asserted against any of the claims in the instant case, giving deference to the prior Examiner's examination, including an updated search of the prior art prior art of record did not uncover a single teaching that expressly taught or render obvious the claimed invention in its entirety as recited in claims 1, 6 and 13. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Though, pre-compiling, post-compiling and intermediate compiling, port mapping, instantiation and the use of multiple instrumentations in the context of HDL for design an verification systems are well known, the specific operations or steps as recited in claims 1, 6, and 13 were not uncovered that would clearly anticipate each independent claim, as the invention is recited in its entirety within each claim. Motivation to combine the teachings of the prior art of record, including that which would have been known to one with an ordinary level of skill in this art, was not uncovered so as to render the claimed invention obvious.


Dependent claims are allowable as they depend on the allowed independent claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William D. Thomson whose telephone number is 571-272-3718. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 571-272-3716.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William Thomson
Primary Examiner
A.U. 2123
March 31st, 2004